

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

Dr, Frederick Joseph Lannak

6/29/06

Plaintiff

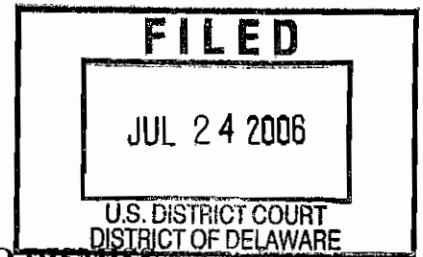
v.

Civil Action No. 06-180 (JJF)

U.S. Senator Joseph R. Biden
US. Senator Thomas R. Carper
Congressman Michael N. Castle

Defendants

MOTION TO DISMISS THE DEFENDANTS' MOTION TO DISMISS



BD scanned

1. The Defendants are misleading the Court on page 5 in their June 26, 2006 BRIEF IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS where they state that, "Accordingly, as the Act applies to the actions of programs or activities, and as Members of Congress are not within the definition of a "program and activity", the Act does not cover actions taken by Members of Congress."
2. The Defendants are placing Congress in a position of a monarchy that would exclude Congress from the "Age Discrimination Act of 1975", instead of placing Congress in the position of a democracy that includes Congress in the "Age Discrimination Act of 1975."
3. The "Age Discrimination Act of 1975" prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance.
4. Congress receive federal financial assistance for everything they are engaged in, including their supervised sports, recreational activities, education programs, health programs and their appropriation decisions.
5. The Plaintiff is asking the UNITED STATES DISTRICT COURT TO DISMISS the Defendant's MOTION TO DISMISS because the Defendants are misleading the Court when they state "the Act does not cover actions taken by Members of Congress."

The Plaintiff,

Frederick J. Lannak

Dr. Frederick Joseph Lannak
126D Chestnut Crossing Drive
Newark, Delaware 19713
Phone-302-453-1023

AFFIDAVIT OF PROCESS SERVER

In The United States District Court for the District of Delaware

I declare that I am a citizen of the United States, over the age of eighteen and not a party to this action. And that within the boundaries of the state where service was effected, I was authorized by law to perform said service.

Service: I served Colm F. Connolly, United States Attorney

With the (documents) Delivery of Sealed Envelope

Person Served: Lauren Williams, Legal Secretary duly authorized to accept service

Service Address: 1007 Orange Street, Suite 700, Wilmington, Delaware 19801

Date of Service: July 7, 2006

Time of Service: 1:07 p.m.

Manner of Service: (X) By personally delivering copies to the person/authorized agent of entity being served.

() By leaving, during office hours, copies at the office of the person/entity being served, leaving same with the person apparently in charge thereof

() By leaving copies at the dwelling house or usual place of abode of the person being served, with a member of the household 18 or older and explaining the general nature of the papers.

() By posting copies in a conspicuous manner to the address of the person/entity being served.

Non-Service: After due search, careful inquiry and diligent attempts at the address(es) listed above, I have been unable to effect process upon the person/entity being served because of the following reason(s):

() Unknown at address () Evading () Moved, left no forwarding () Other

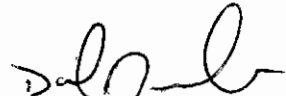
() Address does not exist () Service canceled by Litigant () Unable to serve in a timely fashion

Service Attempts: Service was attempted on _____ at _____, _____ at _____,
_____ at _____, _____ at _____, _____ at _____

Description: Age: 30 Sex: F Race: B Hgt: 5'6" Wgt: 140 Hair: Black Glasses: No

I declare under penalty of perjury that the information contained herein is true and correct and this affidavit was executed on:

July 11, 2006 at Wilmington, Delaware
Date City State


Daniel Newcomb, Process Server

State of Delaware
County of New Castle

Subscribed and sworn before me a Notary Public of the State of Delaware on July 11, 2006

Witness My Hand and Official Seal To


Kimberly J. Ryan, My Commission Expires 6/15/08
Notary Public, State of Delaware

KIMBERLY J. RYAN
NOTARY PUBLIC-DELAWARE
My Commission Expires June 15, 2008

COPY

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

Peter T. Dalleo
CLERK OF COURT

LOCKBOX 18
844 KING STREET
U.S. COURTHOUSE
WILMINGTON, DELAWARE 19801
(302) 573-6170

July 3, 2006

TO: Dr. Frederick Joseph Lannak
126D Chestnut Crossing Drive
Newark, DE 19702

RE: "Motion to dismiss the defendant's motion to dismiss."

Dear Dr. Lannak:

Papers have been received by this office for filing in the above matter which do not conform to: Federal Rules of Civil Procedure 5; District of Delaware Local Rules of Civil Practice and Procedure 5.2.(a) & 5.3.

The papers will be docketed but no action will be taken by the Court until the discrepancies are corrected. In order for your documents to be acceptable for filing, they **must be served by you, upon all local counsel of record**, and this must be indicated on an Affidavit or Certificate of Service.

Your corrected filing, (please sign your certificate of service and provide a copy with an original signature) to include the certificate of service, should be sent to this office for processing

KINDLY RETURN A COPY OF THIS LETTER WITH YOUR CORRECTED DOCUMENTS.

Sincerely,

PETER T. DALLEO
CLERK

/rpg

cc: The Honorable
Alpha

Tr., Civ. No. 06-180 JJF

Signed by
Lauren Williams
←



Dr. Frederick J. Iannak
126D Chestnut Crossing Drive
Newark, Delaware 19713-2663

U.S. POSTAGE
PAID
NEWARK, DE
JUL 19 2006
AMOUNT
\$4.49
00077270-21



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19801

Peter T. Dalleo
Office of the Clerk
United States District Court
Lockbox 18
844 King Street
U.S. Courthouse
Wilmington, DE 19801

**U.S.M.S.
X-RAY**

**RETURN RECEIPT
REQUESTED**

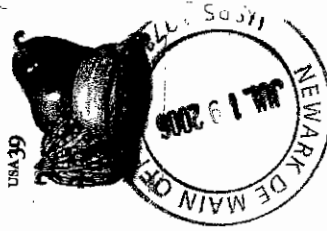


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CERTIFIED MAIL



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

Dr. Frederick Joseph Lannak

July 18, 2006

Plaintiff

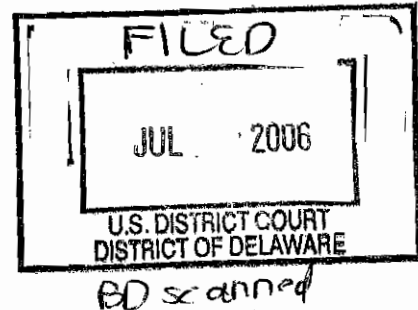
v.

Civil Action No. 06-180 (JJF)

U.S. Senator Joseph R. Biden
U.S. Senator Thomas R. Carper
Congressman Michael N. Castle

Defendants

To: Peter T. Dalleo
Office of the Clerk
844 King. Street
U.S. Courthouse
Wilmington, Delaware 19801



RE: "Motion to dismiss the defendants' motion to dismiss."

Dear Peter Dalleo:

The enclosed papers were served on the Attorney of the Defendants. The small attached paper with the arrow was put there by the Process Server.

The Plaintiff,

Frederick J. Lannak

Dr. Frederick Joseph Lannak
126D Chestnut Crossing Drive
Newark, Delaware 19713-2663